IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

MACA.No. 541 of 2007(F)

OPMV.1023/2000 of MOTOR ACCIDENT CLAIMS TRIBUNAL, IRINJALAKUDA
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APPELLANT/PETITIONER IN OP(MV)

ASOKAN, S/O. AMMUNNI,
POYYAKKARAN HOUSE, RESIDING AT KONNAKUZHY DESOM,
PARIYARAM, KONNAKUZHY P.O., MUKUNDAPURAM TALUK,
THRISSUR.

BY ADV. SRI.P.V.BABY
SRI.A.N.SANTHOSH

RESPONDENTS: RESPONDENTS 1 TO 3 IN OP(MV)
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1. FRANCIS D' ALMEDA,
THAIPARAMBIL HOUSE, ELPEE COTTAGE, PALLIPORT.

2. SUNILKUMAR,
KIZHAKKEDATH HOUSE, PALLIPPURAM P.O.

3. MANAGER,
UNITED INDIA INSURANCE CO. LTD.,
NORTH PARAVUR.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.A.C.A.No.541 OF 2007

Dated 25th June, 2007

JUDGMENT

Koshy,J.

Appellant/petitioner who was employed in Kerala State Electricity Board met with an accident by which he sustained serious injuries. Medical certificate produced by him shows that there is 11% permanent disability. Considering the nature of disabilities, Tribunal has taken 6% as disability. It has come out in evidence that appellant's wages were not lost and there is no reduction of earning capacity. Entire medical expenses were reimbursed. Leave salary was granted as loss of earnings. Taking into account the fact that his salary as well as earning capacity and retiral benefits were not affected, for disability and loss of earning capacity Rs.8,640/= was awarded. Since his earning capacity was not affected, we see no ground to interfere with the award as just and reasonable compensation was awarded.

The appeal is dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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